

# House File 252 - Introduced

HOUSE FILE 252  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 28)

## A BILL FOR

1 An Act relating to the calculation of certain court costs in  
2 probate matters, and including applicability provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 633.31, Code 2017, is amended to read as  
2 follows:

3 **633.31 Calendar — fees court costs in probate.**

4 1. The clerk shall keep a court calendar, and enter thereon  
5 such matters as the court may prescribe.

6 2. The clerk shall charge and collect the following fees  
7 court costs in connection with probate matters, which shall be  
8 deposited in the account established under [section 602.8108](#):

- 9 a. For services performed in short form probates pursuant  
10 to [sections 450.22](#) and [450.44](#).....\$ 15.00  
11 b. For services performed in probate of  
12 will without administration .....\$ 15.00  
13 c. For filing and indexing a transcript.....\$ 50.00  
14 d. For taking and approving a bond, or  
15 the sureties on a bond .....\$ 20.00  
16 e. For entering a rule or order .....\$ 10.00  
17 f. For certificate and seal .....\$ 10.00  
18 g. For making a complete record where  
19 real estate is sold ..... per 100 words .....\$ .20  
20 h. For making a transcript or copies of  
21 orders or records filed in  
22 the clerk's office ..... per 100 words .....\$ .50  
23 i. For certifying change of title .....\$ 20.00  
24 j. For issuing commission to  
25 appraisers .....\$ 2.00  
26 k. For other services performed in the settlement of the  
27 estate of any decedent, minor, person with mental illness, or  
28 other persons laboring under legal disability, except where  
29 actions are brought by the administrator, guardian, trustee,  
30 or person acting in a representative capacity or against that  
31 person, or as may be otherwise provided herein, where the value  
32 of the personal property and real estate of such a person falls  
33 within the following indicated amounts, the fee court costs  
34 opposite such amount shall be charged, in accordance with  
35 subsection 3.

1     (1) Up to \$3,000.00 .....\$ 5.00  
2     (2) \$3,000.00 to \$5,000.00 .....\$ 10.00  
3     (3) \$5,000.00 to \$7,000.00 .....\$ 15.00  
4     (4) \$7,000.00 to \$10,000.00 .....\$ 20.00  
5     (5) \$10,000.00 to \$15,000.00 .....\$ 25.00  
6     (6) \$15,000.00 to \$25,000.00 .....\$ 30.00  
7     (7) For each additional \$25,000.00 or  
8 major fraction thereof .....\$ 50.00  
9     1. For services performed in small  
10 estate administration .....\$ 15.00  
11     3. a. For purposes of determining the court costs set  
12 forth in subsection 2, paragraph "k", the "value of the personal  
13 property and real estate of such a person" means the gross  
14 assets of the estate listed in the probate inventory minus the  
15 following, unless the proceeds of such assets are payable to  
16 the estate:  
17         (1) Joint tenancy property.  
18         (2) Transfers during such person's lifetime.  
19         (3) Assets payable to beneficiaries, including but not  
20 limited to life insurance, annuities, individual retirement  
21 accounts, retirement plans, transfer on death accounts, and  
22 payable on death accounts.  
23     b. The fee court costs set forth in subsection 2, paragraph  
24 "k", shall not be charged on any property transferred to a  
25 testamentary trust from an estate that has been administered  
26 in this state and for which court costs have been assessed and  
27 paid.  
28     c. The court costs set forth in subsection 2, paragraph "k",  
29 shall not be charged on any property transferred to an estate  
30 from a conservatorship that has been administered in this state  
31 and for which court costs have been assessed and paid.  
32     Sec. 2. APPLICABILITY. This Act applies to estates of  
33 decedents dying on or after January 1, 2018.

EXPLANATION

35     The inclusion of this explanation does not constitute agreement with

1           the explanation's substance by the members of the general assembly.

2       This bill relates to the court costs the clerk of probate  
3 court charges and collects in connection with probate matters.

4       Under current law, Code section 633.31(2)(k) provides a  
5 sliding scale fee for services performed in connection with the  
6 settlement of an estate based upon the value of the decedent's  
7 estate. The bill provides that joint tenancy property,  
8 property transfers made during the person's lifetime, and  
9 assets payable to beneficiaries are to be excluded from the  
10 value of the decedent's estate for purposes of determining the  
11 fee, described as court costs in the bill, unless the proceeds  
12 of such assets are payable to the estate.

13       Additionally, the bill provides that the court costs due  
14 to the clerk pursuant to Code section 633.31(2)(k) shall not  
15 be charged on any property transferred to an estate from a  
16 conservatorship that has been administered in Iowa and for  
17 which court costs have been assessed and paid.

18       The bill applies to estates of decedents dying on or after  
19 January 1, 2018.